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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 5266 of 2006

Petitioner : PATWARI RAM SAHOO Aged 60
yrs. Son of Sri Charan Sahoo,
Labour (Mate) by profession,
Resident of Village Dandesara,
Tahsil Kurud, District Dhamtari,
Chhattisgarh

Versus

Respondents : 1. State of Chhattisgarh through
its Secretary Department of
Water Resources, D.K.S.
Bhawan, Mantralay, Raipur
Chhattisgarh.
2. The Executive Engineer Water
Management Division, Rudri,
Tahsil and District Dhamtari
Chhattisgarh.
3. Sub-Divisional Officer Water
Management Sub-Division
No.I Rudri, Tahsil and District
Dhamtari, Chhattisgarh.

Writ Petition under Article 226 of the
Constitution of India.

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. P.P. Sahu, Advocate for the petitioner.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mr. Arvind
Dubey, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 25th Day of April, 2007)

1. By this petition, the petitioner, who has worked as a Daily Wage Labour (mate) in the Water Management Division, Rudri, Tahsil and District-Damtari seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivanshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was employed as a Daily Wage Labour (mate) in the year 1971 and he was retired from service w.e.f. 25.09.2006 on attaining the age of 60 years service vide order dated 27.7.2006. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979') framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.
 3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.
 4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.
 5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967.
- The petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge